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ABSTRACT

Proposed changes in Pennsylvania state funding for and regulation of public education are presented in this pamplet by the state's governor and secretary of education. The funding proposal calls for a new local education block grant, totalling $127 million, in the state budget. The funds are to be distributed to school districts for basic education. The regulatory changes proposed involve reducing the number of state mandates that school district officials have to follow. According to the authors, surveys of local education officials have identified 21 of the state's 50 education mandates as burdensome. The pamphlet lists the 21 items, giving for each the mandate on which it is based, the problems caused, and the recommended change. For eight mandates the authors propose legislative changes, covering such areas as student suspensions, employee relations, and special students. Regulatory changes are suggested for four mandates, involving intramural physical education, teacher inservice training, and plans for student services and records. The authors recommend administrative changes for the final nine mandates, including planning requirements, employee certification, teacher assignment, programs for exceptional children, and curriculum guidelines. (RW)

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TOWARD A NEW PARTNERSHIP IN PUBLIC EDUCATION

Pennsylvania's Strategy for Giving Greater Flexibility to Local Schools

A Budget & Policy Brief

February 9, 1982

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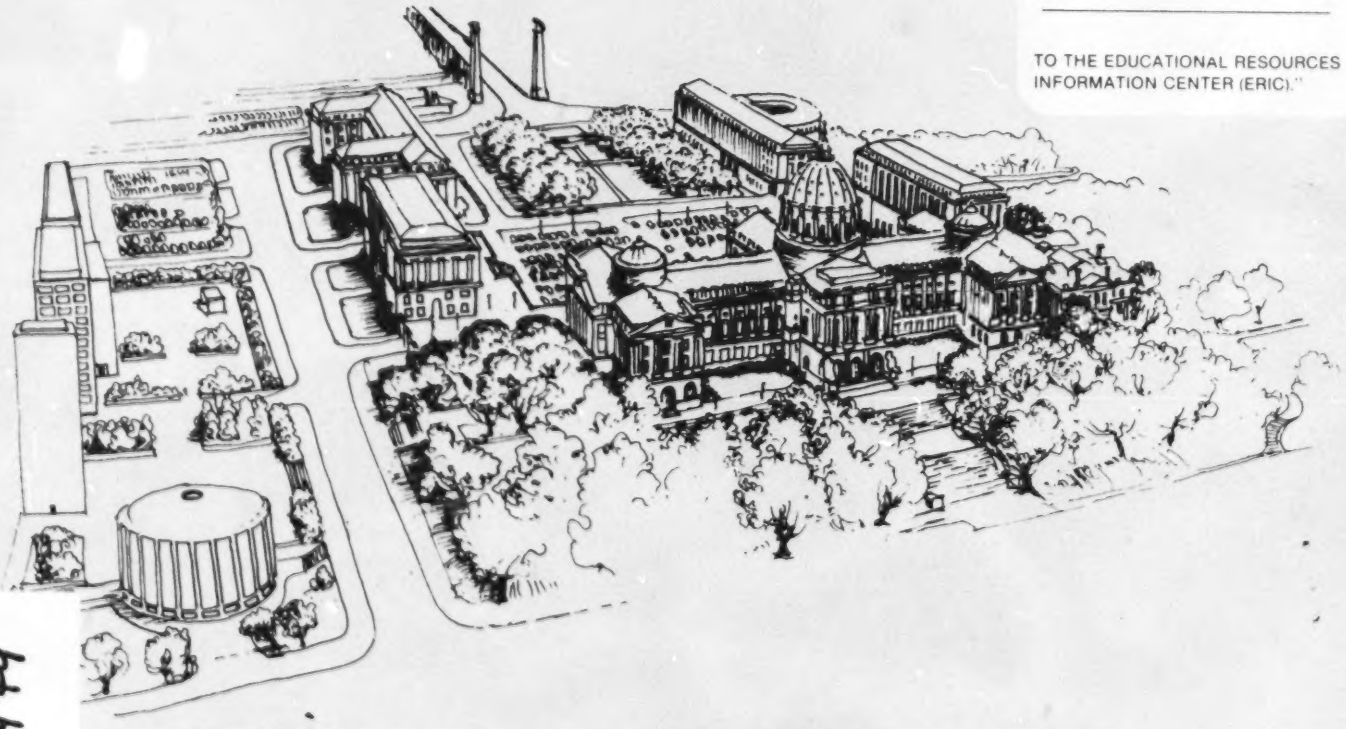

Dick Thornburgh
Governor

Robert Scanlon
Secretary of Education

EA 014 476

INTRODUCTION

The cornerstone of the Pennsylvania public education system is local control of schools. The system is based on the premise that communities know what is best for their schools and that the responsibility for educating children involves a partnership between state and local governments.

The state does, in fact, have important constitutional obligations for the education of children. But too often the authority of local officials has been eroded by a deluge of regulations, mandates and other orders from the state and federal governments. And categorical funding has left school officials without the flexibility they need to carry out their community's priorities.

The aim of this administration is to move as quickly as possible from a stance of regulating and monitoring to one of providing technical assistance and guidance to local school districts faced with increasing policy making responsibilities.

Any effective and responsible program which has as its aim returning decision making authority to the local level must have two components: flexible funding and a reduction in strings attached to dollars.

This administration proposes to begin working toward both components this year by putting most new state dollars for basic education into a Local Education Block Grant and undertaking specific initiatives to alter or eliminate the most burdensome mandates identified by school officials across Pennsylvania.

The program outlined here is a beginning, a transition to a more comprehensive and flexible program. The concept of returning dollars and decision making authority to the local level is a right concept. And we must move in that direction with the resources we do have.

Our program has two parts: one is budgetary and the other sets out changes we will seek in law, regulation, and administrative practice which will begin to loosen the mandate constraints which now hamper decision making at the local level.

I. LOCAL EDUCATION BLOCK GRANT

We propose to put $127 million into a single new line item called the Local Education Block Grant.

The creation of this line item is intended to be a transition to a more comprehensive system of flexible school funding in the years ahead.

This proposal would create a base of increased financial support for every school district in the Commonwealth. These new dollars would be distributed using the basic instruction subsidy formula, the most equitable system available to us. No school district would get less money than it got last year; every district would get more.

A school district would be able to use its consolidated money to pay for increases in the cost of any of 12 basic education programs including basic instruction, special education, vocational education, transportation, school employes' social security and retirement, authority rentals, homebound instruction, payments in lieu of taxes and approved private schools and programs for migrant children and the disadvantaged.

In addition, we propose to put funding of vocational technical schools on a current year basis. The state will no longer make advance payments for Vo-tech schools in one year and then recover those payments in the subsequent year, as is currently the practice. School districts will pay vocational technical schools directly for their students.

By this change, we pare away another level of bureaucracy from the administration of vocational education in the Commonwealth, and give districts direct control over the programs in which they participate.

II. THE REDUCTION OF MANDATES

The reduction of mandates and regulations is being discussed at all levels of government. The Thornburgh administration, in fact, began talking about providing more flexibility to local governments long before this concept rose to the top of the Federal government's agenda. Based on the belief that the level of government closest to the people is best equipped to make decisions on matters that affect the daily lives of citizens, the administration has worked hard to contain the growth of state government and enhance the flexibility and the responsibility of local government.

Problems Identified by School Administrators

To shed more light on the specific problems educators have, and to help redefine the role of the state in the administration of education, the Pennsylvania Department of Education and the Governor's Office of Policy and Planning embarked on two major projects to pinpoint ways to return decision making authority to local school districts.

In 1979, the PDE conducted the State Board Regulations Cost Study in which a sample of 275 school superintendents rated the cost and restrictiveness of regulations. The chief school administrators of Pennsylvania told us which regulations they felt were too expensive and unnecessary for the effective operation of their schools.

In 1981, the PDE surveyed school board presidents asking them to describe the state mandates that most limited their boards' discretion in managing their schools.

That same year a group of school superintendents from the northeastern section of the Commonwealth prepared a report called "Public School Concerns." It reviewed burdensome state mandates which circumscribed the decision making power of school administrators. This list was added to the areas of concern identified in the surveys.

A detailed analysis revealed a dramatic consensus. From more than 50 state mandates, 21 emerged as potential areas for change--change that would reduce administrative burdens and increase flexibility without adversely affecting school programming for students. The administrators and board presidents told us these mandates conflicted with the decision making rights and responsibilities of local school officials, and interfered with their ability to best manage their financial resources.

The task is clearly at hand. We must stop the erosion of local authority in our schools. We must fulfill our commitment and meet our obligation to return responsibility to the grass roots of Pennsylvania.

Proposed Action

The Thornburgh Administration will present the General Assembly and State Board of Education with specific and immediate plans of action to increase control and flexibility of school districts. In addition, the Department of Education will take action to modify administrative mandates in a number of areas.

Changes are already underway. The Department of Education has repealed the certification requirement for part-time coaches. We have given administrators more leeway in the furloughing of professional staff. We have addressed the concerns about long-range planning requirements. To accomplish other changes, state mandates will have to be modified.

Here is a review of the 21 mandates we seek to modify, along with proposals for action that include legislative, regulatory and administrative changes.

Legislative

1. The Procedures for Suspension of Students

   Mandate: The Public School Code authorizes local school districts to adopt policies on student conduct, but current state regulations specify detailed procedures for formal due process hearings for students accused of misconduct.

Problem: It is becoming harder and harder for school administrators to discipline students. Required procedures have become "legalistic" and complicated. Many school officials feel the costs of formal hearings are exhorbitant and unnecessary.

Recommendation: Local school districts should be allowed to establish their own procedures to handle school discipline. The length of suspensions, the types of penalties appropriate for various offenses, and the formality or informality of hearings should be a matter of local policy, not state law. School districts have an obligation to provide students with due process but the state does not have to spell out detailed procedures. For instance, a district should have the option of using a hearing officer, such as a school administrator, instead of a nine member school board for a student hearing. The School Code should only require that school districts adopt a policy on discipline procedures. The PDE should issue guidelines to help local officials develop policies that are consistent with the U.S. Supreme Court's rulings on student rights.

2. Furlough of Professional Employes for Economic Reasons

Mandate: The School Code prevents school boards from furloughing professional employes for economic reasons.

Problem: Taxpayers are becoming increasingly vocal about government spending cuts. Citizens want local school boards to "trim the budget...do more with less." Current law permits staff reductions for several reasons, but lack of funds is not one of them. School officials have too little flexibility to reduce staff to achieve needed economies.

Recommendation: The School Code should be changed to enable local school officials to furlough professional employes to achieve needed economies. We believe local school officials will responsibly review program consequences as well as fiscal advantages when making furlough decisions. School managers must be free to manage their staffs if they are to be able to manage their budgets.

3. School Census and Related Enrollment Reports

Mandate: Current state law contains specific requirements for districts to issue reports on residency, attendance, enrollments and withdrawals.

Problem: School officials have complained that compiling demographic information about children from birth to 18 years at least once every three years is a costly and time consuming process that results in information of questionable utility.

Recommendation: The School Code should require districts to develop their own procedures for collecting the information they need to enforce attendance laws in their area, without mandates from the state.

4. Special Instruction for Students Whose Dominant Language is not English

Mandate: State requirements for special instruction for students who are not proficient in English extend beyond federal requirements. Each child must be offered a bilingual/bicultural program and/or an English as a Second Language program.

Problem: These programs are costly, especially when school districts have very few students who share a single native language other than English.

Recommendation: Language in the proposed new School Code should be amended to specify that children whose dominant language is not English should be provided assistance by the school district. This aid should insure that the students benefit from the instruction they receive and progress effectively through the school system. This is their right under the federal civil rights law. The Code should leave the nature of the program to the best judgment of district officials, as long as they can demonstrate that the children are not being left to "sink or swim" in the classroom. The PDE should provide technical assistance to help districts find cost effective ways to provide these programs.

5. Duplication of Employe Hearing Rights

Mandate: Current law allows school district employes who are demoted, dismissed or furloughed to appeal the action through several routes of possible redress at the same time.

Problem: Employes have both collective bargaining rights and protection under the School Code. Therefore, they have duplication of rights to appeal job loss or demotion. They may under the School Code appeal a school board decision of demotion or dismissal to the Secretary and then to the Commonwealth Court and at the same time initiate a grievance procedure winding up in arbitration with the right to appeal in Commonwealth Court.

Recommendation: The School Code should be amended to require the aggrieved teacher to choose one course of appeal, not both avenues simultaneously. The legislation should not remove the right to either avenue. It should eliminate duplication of rights.

6. Transportation of Nonpublic School Students

Mandate: Current law requires school boards to make "identical provision for the free transportation" of nonpublic school students when transportation for public school students is provided. Transportation must be provided to nonpublic schools within the district boundaries or outside district boundaries at a distance not exceeding ten miles by the nearest public highway.

Problem: The obligation to transport nonpublic students, even when the distance from a child's home to his school means an unreasonably long cross-district bus trip for a single student, requires a disproportionate expenditure of transportation budgets on a small percentage of residents.

Recommendation: The School Code should be appropriately amended to reduce the costs of transporting nonpublic school students under some circumstances. For example, out-of-state busing should be eliminated altogether. School districts should work with nonpublic schools to develop a common calendar. The PDE will invite representatives of nonpublic schools to discuss the most appropriate ways to establish mileage and boundary requirements for nonpublic school transportation. These actions are necessary to reduce excessive costs of this mandate, while still providing an important and necessary service to the taxpaying parents and guardians of nonpublic school students.

7. Certification of School Nurses and Dental Hygienists

Mandate: Current law requires that licensed nurses and dental hygienists obtain additional certification as educational specialists before they can provide health services in schools.

Problem: The required certification creates financial difficulties for schools. Since certified nurses and hygienists are included in the same category as professional employes, they must be paid on the same salary scale as teachers even though they often do not have formal teaching responsibilities.

Recommendation: The School Code should be amended to eliminate the requirement that school nurses and dental hygienists be certified as educational specialists.

8. Duplication of Sick Leave and Workmen's Compensation

Mandate: Current law entitles a teacher injured on the job to workmen's compensation as well as sick leave.

Problem: School administrators view this entitlement as a duplication of benefits.

Recommendation: New legislation should eliminate duplication of benefits when a teacher is injured on the job. A joint analysis of the several laws that are causing the conflict is planned by the PDE and the Department of Labor and Industry to propose the appropriate legislative remedy.

Regulatory

9. Intramural Physical Education Programs

Mandate: State Board of Education regulations require each school district to develop and conduct an intramural activities program for all students in fourth through sixth grade and all secondary school students.

Problem: Some school officials find intramural programs a costly and unnecessary addition to regular required physical education programs.

Recommendation: A school district should be able to decide whether or not to conduct a program of intramural physical education activities. Districts should have the flexibility to put together any combination of formal instruction, intramurals and interscholastic athletics as part of a planned program of physical education. They should not be required to offer physical education classes to students who participate in interscholastic sports or intramurals to students enrolled in physical education courses.

10. Masters Degree Equivalency Certificate

Mandate: State board regulations limit the number of in-service course credits that a teacher can apply toward a Master's Degree Equivalency certificate. A certain proportion of credits applied toward that certificate must be earned at a college or university in the content area of the applicant's primary teaching assignment.

This certificate is used by a district to award salary increases for advanced training, but it does not qualify a teacher for jobs requiring a Master's Degree.

Problem: Local school officials want more control over the types of advanced training for teachers that require salary increments.

Recommendation: The maximum in-service credit requirement should be eliminated in order to recognize the value of PDE-approved in-service training. The name of the certificate earned through in-service training should be changed from the Master's Degree Equivalency Certificate to the Certificate of Advanced In-service Training to distinguish it from a Master's Degree earned at an institution of higher education. Separate systems of financial incentives for teachers who enroll in graduate training in their academic disciplines at institutions of higher education and for those who earn advanced in-service credits should be maintained.

11. Required Plan for Coordination of Individual Pupil Personnel Services

Mandate: Each school district operating a pupil personnel services program is required to develop and submit to the state a plan which insures that guidance, health, psychological and social work services are coordinated in order to make maximum use of the contributions of each service.

Problem: School superintendents find this requirement costly and unnecessary.

Recommendation: The regulation requiring this plan should be eliminated.

12. Required Plan for Maintenance and Dissemination of Student Records

Mandate: Every district must have a plan for the collection, maintenance and dissemination of student records. It must be submitted to PDE for approval and updated every three years. Similar federal legislation also exists, but it does not require updates.

Problem: The update requirement is unnecessary.

Recommendation: The regulation should be changed to eliminate the required three year update unless Federal laws are changed.

Administrative

13. Classification of Gifted Children as Exceptional

Mandate: School districts are required by law to provide Individualized Education Programs (IEPs) and hold due process hearings when planning programs for gifted students. A Department of Education standard defines a mentally gifted child as one who possesses outstanding intellectual and creative ability, the development of which requires special activities or services not ordinarily provided in the regular program. This standard also mandates that students must be assigned to a program for the gifted when they have an IQ of 130 or higher.

Problem: The standard suggests that every child who has exceptional ability should receive a special education program. In fact, the needs of many highly able students can be met through advanced courses which are offered as part of a district's regular instruction program.

Recommendation: Many highly able students' needs can be met with regular educational programming. The sentence referring to an IQ cut off score should be made to clearly emphasize that special education is required only when a child's outstanding abilities cannot be developed in the regular program. A student who is gifted and whose needs are adequately met by a diverse regular school program does not necessarily

require an IEP. This change will allow parents or guardians who feel their children's needs are not being met to have a right to due process hearings.

14. Mandated Long Range Planning

Mandate: School districts must submit a variety of planning documents to PDE for approval. These include a long range plan and a variety of reports for building construction and maintenance.

Problem: School officials have complained over the years that state requirements for long range planning are too complex and extensive and that the plans are only useful to the PDE for monitoring compliance rather than to local officials for district management. Complaints have focused on the voluminous paperwork, the specificity of information required, and PDE's authority to approve the content of the plans.

Recommendation: Virtually all of the specific complaints have already been addressed by PDE during the course of this administration. The PDE has reduced 90 pages of long range plan guidelines and instructions to 27 pages and 60 pages of forms to five pages. The department used to approve content, but it now only reviews plans for completeness. While PDE used to require written programs for all goals, it now requires action plans only for priorities established at the district level.

Several further modifications aimed at easing the paperwork burden are being examined. The PDE is considering the feasibility of generating enrollment projections as a service to districts to further minimize background work for planning. The administration is recommending a change in law so that districts would no longer be required to submit their plans for building maintenance work unless structural changes are made. Currently they must submit plans for PDE approval for project costs that exceed $15,000.

15. Requirements for Itinerant Special Education Programs and Resource Rooms

Mandate: Itinerant special education programs must be designed for children expected to spend 25 percent or less of their instructional time receiving special education. Resource room programs must be designed for children who are expected to spend 50 percent or less of their instructional time receiving special education.

Problem: These PDE standards are confusing. Both appear to apply to children who spend 25 percent or less of their instruction time receiving special education.

Recommendation: The standards should specify that children who spend 25 to 50 percent of their instruction time in special education should be assigned to a resource room, and those who spend less than 25 percent of instruction time in special education should be assigned to itinerant programs.

16. Certification of Elementary Librarians

Mandate: Regulations require every district to employ a full time certified elementary school librarian to provide leadership in the development of an effective elementary library program.

Problem: The regulation applies to even the smallest of districts which could conduct effective library programs without a full time certified elementary librarian.

Recommendation: The PDE will waive the full time elementary librarian requirement for many small districts that demonstrate a commitment to elementary library programs. This would give these districts two options: an elementary teacher who holds the additional certification in library science could supervise the library program on a part time basis, or the librarian holding a comprehensive (K-12) certificate and working in a secondary school building could supervise the elementary school library program while noncertified librarians staff the elementary school library.

17. Certification and PDE Approval for Part Time Coaches

Mandate: The requirement that called for certification for part time coaches and PDE approval for their hiring has been eliminated.

Problem: School officials felt these requirements were unnecessary.

Recommendation: The PDE recommended that State Board repeal these requirements and it did.

18. Requirements For Planned Course of Study

Mandate: State Board regulations require school districts to organize their curricula into "planned courses" that consist of (1) statement of objectives, (2) content, (3) expected levels of achievement and (4) procedures for the evaluation of student achievement.

Problem: Guidelines for preparing planned courses refer to such things as needs assessments and supervisory procedures. Some school officials feel the guidelines restrict curriculum planning.

Recommendation: The PDE will make it clear its guidelines for needs assessment and other procedures used to develop planned courses are solely advisory. This administration agrees with the State Board that says "school directors should have the greatest possible flexibility in curriculum planning which is consistent with quality education for every pupil in the Commonwealth."

19. Flexibility in Assignment of Certified Teachers

Mandate: The Public School Code prohibits the assignment of teachers to areas for which they are not properly certified.

Problem: School administrators find this requirement restrictive. They would like the flexibility to assign teachers to program areas outside their certification for at least part of the school day, if the subject area is related to the area of certification.

Recommendation: Although proper certification must remain a requirement in order to maintain high teaching standards school administrators should be made aware of the existing School Code provision for temporary waiver of certification requirements. Waivers can be approved when an employe has 12 semester credit hours of training in a program area. The PDE staff responsible for waiver approval should recognize the need to provide flexibility to administrators at a time when scarce resources make it difficult to meet program demands, and will use the waiver as a mechanism for providing that flexibility.

20. Adapted Physical Education

Mandate: A State Board regulation requires each school district to prepare a plan for adapted physical education for boys and girls who for physical, psychological or other reasons are unable to participate in the regular physical education program.

Problem: School administrators find it unnecessary to prepare a full planned program of adapted physical education in advance of any individual student's need for it. They also resist the implication that they must provide physical therapy and other services.

Recommendation: The PDE should make it clear to school officials that adapted activities need to be developed only as needed for individual children. Programs do not have to be prepared in advance. The regulation should require a sensible substitute for the regular physical education program, not a program of specialized therapy.

21. Redundancy of Data Collection

Mandate: School administrators are asked to provide a great deal of data to PDE on a large number of forms.

Problem: The forms require reporting the same data numerous times.

Recommendation: PDE has already begun a three pronged effort to eliminate redundant data collection.